

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2866 of 2018**

1. Roshan Kumar Prajapati S/o Shyam Sundar Prajapati, aged about 18 years, R/o Village – Butapara, Domuhani, Police Station – Torwa, Tahsil and District Bilaspur (C.G.)
 2. Uttam Kumar Chauhan S/o Jawahar Chauhan, aged about 20 years, R/o Village – Butapara, Domuhani, Police Station – Torwa, Tahsil and District Bilaspur (C.G.)
 3. Rajkumar Dhruw S/o Santosh Kuamr Dhruw, aged about 19 years, R/o Village – Butapara, Domuhani, Police Station – Torwa, Tahsil and District Bilaspur (C.G.)
 4. Chhotu @ Devkumar Maravi S/o Late Amar Singh, R/o Village – Butapara, Domuhani, Police Station – Torwa, Tahsil and District Bilaspur (C.G.)
- Applicants**

Versus

The State of Chhattisgarh, through the Station House Officer, Police Station Torwa, District Bilaspur (C.G.)

---- Non-applicant

For Applicants	:	Mr. C. P. Lahre, Advocate.
For Respondent/State	:	Mr. Gary Mukhopadhyay, G. A.

Hon'ble Vacation Judge**Order On Board****25/05/18**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested and are in jail since 29.03.2018 in connection with Crime No. 105/2018, registered at Police Station- Torwa, District Bilaspur (C.G.) for the offence punishable under Sections 147, 148, 294, 506, 323, 326 of the Indian Penal Code.

2. Case of the prosecution against the present applicants, in brief, is that the present applicants on 26.03.2018 while attending the marriage function is said to have altercation with the injured persons namely Suresh, Dinesh and Amit and other villagers. The altercation converted into fight and the present applicants are said to have assaulted them and in the process the three persons – Suresh, Dinesh and Amit have received injuries, the nature of which was grievous for which the FIR was lodged on 29.03.2018.

3. Learned counsel for the applicant would submit that it is a case where there is no previous enmity between the two and it is a case of fight between two groups which arose during the marriage ceremony and the present applicants were assaulted and the present applicants are young boys aged between 18 to 20 years of age and they have already remained in custody for a period of about two months. Therefore, the present applicants be considered for grant of bail.

4. On the other hand, learned State counsel would oppose the bail application and submits that the present applicants are said to have assaulted three persons who have received injuries and the injuries are also grievous in nature and thus prayed for rejection of the bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Given the facts and circumstances of the case, particularly taking into note of the fact that the incident occurred during the marriage ceremony and also considering the age of the applicants who are young boys aged about 18-20 years and also the period of custody undergone, this Court is of the

opinion that strong case for grant of bail to the applicants is made out.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of **Rs.25,000/-** each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(P. Sam Koshy)

V. Judge